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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,674	08/18/2000	Frank Hundscheidt	012050-066	6777
27045	7590	06/18/2004	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024				FERRIS, DERRICK W
		ART UNIT		PAPER NUMBER
		2663		7

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/640,674	HUNDSCHEIDT ET AL.
	Examiner	Art Unit
	Derrick W. Ferris	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 August 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5046</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. **Claim 20** is objected to because of the following informalities: “negociation” is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4, 5, 6, 7, and 12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims all use the term “and/or” where it is unclear whether applicant is referring to “and” or “or”. Please use either “and” or “or”. For the purpose of making the rejections below, the examiner assumes the “or” interpretation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-7, 13, 14, and 17-28** are rejected under 35 U.S.C. 102(a) as being anticipated by WO 99/16266 to *Ericsson*.

As to **claim 1**, *Ericsson* (possible same assignee) discloses an internetworking method/apparatus shown e.g., in figure 9 where the GGSN 116 contains a Mapper 128 (emphasis claim 40 of *Ericsson* in reference to a gateway node and mapping function).

Figure 9 also shows the GSN network (i.e., circuit-switched or packet-switched bearer channels) between a mobile station 102 and the GGSN 116 (i.e., a circuit switched network) as well as an Internet connection between the GGSN 116 and the ISP 130 (i.e., a packet switched network). With respect to receiving circuit-switched service parameters and packet-switched parameters as well as mapping these parameters see e.g., page 24 and page 27, lines 4-14. With respect to forwarding see e.g., page 5, lines 14-25 where the GGSN maintains routing information.

As to **claim 2**, see e.g., page 24.

As to **claim 3**, see e.g., page 24.

As to **claim 4**, see e.g., page 24 where the bearer service type is included (i.e., bearer capability information).

As to **claim 5**, see e.g., page 24 where the bearer service type is included (i.e., bearer capability information).

As to **claim 6**, see e.g., page 19, lines 10-21; page 21, lines 19-27; and page 24.

As to **claim 7**, see e.g., page 19, lines 10-21; page 21, lines 19-27; and page 24.

As to **claim 13**, see similar rejection for claim 1. In addition, with respect to RSVP see e.g., page 18, last paragraph.

As to **claim 14**, see similar rejection for claim 13.

As to **claim 17**, see similar rejection for claim 1 where the mapping table is shown e.g., on page 24.

As to **claim 18**, see similar rejection for claim 1.

As to **claim 19**, see similar rejection for claim 17.

As to **claim 20**, see similar rejection for claim 1. With respect to negotiating of parameters, see e.g., page 6, lines 7-13.

As to **claim 21**, the storage node could be the HLR 42 or GGSN 54 and the internetworking node could be the GGSN 54 as shown in figure 2. In particular, see e.g., bottom of page 15 with respect to the HLR 42 storing QoS profiles for each mobile. In addition, the GGSN 54 also stores relationships with respect to the mapping table, see e.g., figure 9.

As to **claim 22**, see e.g., page 5, lines 14-25 where the GGSN maintains routing information.

As to **claims 23-26**, see either the HLR 42 (where the GGSN is the storage node) or the configuration server 134.

As to **claim 27**, see similar rejection to claim 1.

As to **claim 28**, see similar rejection to claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 8-12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16266 to *Ericsson* in view of “An Architecture for Differentiated Services” to *Blake et al.* (“*Blake*”).

In making a proper obviousness rejection under MPEP 706.02(j), the examiner will address the following four steps:

- a) *the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line numbers where appropriate;*
- b) *the difference of differences in the claim(s) over the applied cited references;*
- c) *the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and*
- d) *an explanation why one skilled in the art at the time of the invention was made would have been motivated to make the proposed modification.*

As such to **claim 8**, for step (a) *Ericsson* discloses using DiffServ, see e.g., page 21, line 19 – page 22, line 6 and page 32, first paragraph.

For step (b) *Ericsson* is silent or deficient to the further limitation said differentiation filed (DS) is a Traffic Class Octet according to IPv6 or a Type of service field according to IPv4.

Blake teaches the further recited limitation above at e.g., page 3 first full paragraph in view of page 5 in reference to a “DS field”.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* by clarifying that DiffServ uses the DS field.

In order to establish a prima facie case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

First there must be some suggestion or modification, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the further limitation said differentiation filed (DS) is a Traffic Class Octet according to IPv6 or a Type of service field according to IPv4. In particular, the motivation for modifying the reference or to combine the reference teachings would be to clarify how DiffServ work as is known in the art. In particular, *Blake* cures the above-cited deficiency by providing a motivation found at e.g., page 1 since *Blake* discloses the architecture for DiffServ. Second, there would be a reasonable expectation of success since *Blake* discloses the architecture for DiffServ. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claim 9**, see similar rejection for claim 8.

As to **claim 10**, see similar rejection for claim 8.

As to **claim 11**, see similar rejection for claim 9.

As to **claim 12**, see similar rejection for claim 4.

As to **claims 15-16**, for step (a) *Ericsson* discloses ATM and Frame Relay.

For step (b) *Ericsson* is silent or deficient to the further limitation that ATM and Frame Relay are label-switching. In particular, *Ericsson* discloses layer 2 tunneling to the ISP and also teaches that the IP tunnel could be ATM or FR, see e.g., page 28, lines 9-15.

Blake teaches the further recited limitation above at e.g., page 10 last paragraph.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* by clarifying that ATM and Frame Relay are label switching protocols.

In order to establish a *prima facie* case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

First there must be some suggestion or modification, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include ATM or Frame Relay where ATM and FR are label-switching protocols. In particular, the motivation for modifying the reference or to combine the reference would be to use ATM or FR since both of these protocols offer better built-in security. In particular, *Blake* cures the above-cited deficiency at page 28, first full paragraph. Second, there would be a reasonable expectation of success since *Blake* discloses that ATM or FR is possible. Thus the references either in singular or in combination teach the above claim limitation(s).

8. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/16266 to *Ericsson* in view of U.S. Patent No. 6,587,457 B1 to *Mikkonen*.

In making a proper obviousness rejection under MPEP 706.02(j), the examiner will address the following four steps:

- a) *the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line numbers where appropriate;*
- b) *the difference of differences in the claim(s) over the applied cited references;*

- c) *the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and*
- d) *an explanation why one skilled in the art at the time of the invention was made would have been motivated to make the proposed modification.*

As such to **claim 15**, for step (a) *Ericsson* see similar rejection to claim 1.

For step (b) *Ericsson* is silent or deficient to the further limitation protocol label switching (e.g., MPLS). However, *Ericsson* does disclose layer 2 tunneling to the ISP and also teaches that the IP tunnel could be ATM or FR, see e.g., page 28, lines 9-15.

Mikkonen teaches the further recited limitation above at e.g., figure 6.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* by showing that MPLS can be used as an IP tag for either an IP tunnel or for ATM.

In order to establish a *prima facie* case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

First there must be some suggestion or modification, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the further limitation protocol label switching (e.g., MPLS). In particular, the motivation for modifying the reference or to combine the reference teachings would be to reduce the need for performing time consuming routing on the basis of the address data of the network layer. In particular, *Mikkonen* cures the above-cited deficiency by providing a motivation found at e.g., column 3, line 1-20. Second, there would be a reasonable expectation of success since

Mikkonen shows that MPLS is implemented in a wireless network and at a mobile IP router in particular. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claim 16**, see similar rejection for claim 15.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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